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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,981	10/22/2001	George D. Escobar	06975-166002	7232

26171 7590 10/10/2006

FISH & RICHARDSON P.C.  
P.O. BOX 1022  
MINNEAPOLIS, MN 55440-1022

EXAMINER
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BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/982,981

Applicant(s)

ESCOBAR ET AL.

Examiner

Reuben M. Brown

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/24/02; 2/22/02; 7/12/02; 3/21/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-59 are rejected under 35 U.S.C. 102(b) as being anticipated by LaJoie, (U.S. Pat # 5,850,218).

Considering claim 1, the claimed system comprising

‘a display interface’, is met by the TV connected to the set top terminal, STT 6 in Lajoie.

‘input for receiving viewer commands’ reads IR receiver of the STT 6, Fig. 3.

‘interface for sending viewer commands to be analyzed’, ‘interface for receiving customized EPG data’ and ‘processor for creating customized EPG display from eth received customized EPG data for output to the display interface, wherein the received customized EPG data is based on the analyzed viewer commands’, is met by the disclosure of LaJoie, col. 19, lines 28-67.

Art Unit: 2623

Considering claims 2, 13 & 37, the claimed 'memory for storing viewer commands' is met by memory 32, that stores viewer's setting, col. 13, lines 30-45.

Considering claims 3, 14 & 38 wherein 'stored commands are periodically accessed sent to host of analysis', reads on col. 21, lines 30-40.

Considering claims 4 & 39, see col. 16, lines 10-30; col. 17, lines 30-65, which discloses a browser application that the user may interact with the access services.

Considering claims 5-7, 15-17 & 40-42, LaJoie teaches that for instance favorite channel line-ups may be stored, col. 13, lines 35-55; col. 19, lines 28-55 & Fig. 9.

Considering claims 8, 18 & 43, see Fig. 16, which shows an advertisement in area 346.

Considering claims 9, 21, 28, 35 & 47, the 'mini-guides' reads on the channel favorite lists.

Considering claims 10-11, 19-20 & 44-46, see col. 19, lines 38-65 & col. 20, lines 8-35, which teaches that favorite channels menu may be controlled or blocked using a PIN.

Considering claim 12, the claimed elements of a method for displaying customized EPG, corresponds with subject matter mentioned above in the rejection of claim 1, and is likewise treated.

Considering claim 22, the claimed elements of a method for creating an EPG, corresponds with subject matter mentioned above in the rejection of claim 1, and is likewise treated.

Considering claims 23-26, 30-33, LaJoie teaches customizing an EPG, col. 19, lines 39-65; col. 23, lines 1-35.

Considering claims 27, 34, see LaJoie col. 18, lines 1-65; col. 24, lines 15-65.

Considering claims 36 & 56, the claimed system or host, corresponds with subject matter mentioned above in the rejection of claim 1, and is likewise treated.

Considering claims 48 & 52, LaJoie discloses a STT 6, Fig. 3.

Considering claims 49-51, 53-55 & 57-59, see col. 13, lines 20-65.

Art Unit: 2623

**Any response to this action should be mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**


(571) 273-7290 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown

  
**REUBEN M. BROWN**  
**PATENT EXAMINER**